

ACT 72

H.B. NO. 1934-78

A Bill for an Act Relating to Public Utilities.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section, to be appropriately numbered, and to read:

**“Sec. 269- Certificates of public convenience and necessity.** (a) No person which holds itself out to the general public as a public utility, as defined in section 269-1, shall commence its business without first having obtained from the commission a certificate of public convenience and necessity. Applications for certificates shall be made in writing to the commission and shall comply with the requirements prescribed in the commission’s regulations, and rules of practice and procedure. The application shall include the type of service to be performed, the geographical scope of the operation, the type of equipment to be employed in the service, the name of competing utilities for the proposed service, a statement of its financial ability to render the proposed service, a current financial statement of the applicant, and the rates or charges proposed to be charged including the rules and regulations governing the proposed service.

(b) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the terms, conditions, rules and regulations

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promulgated by the commission thereunder, and that the proposed service is, or will be, required by the present or future public convenience and necessity; otherwise such application shall be denied. Any certificate issued shall specify the service to be rendered and there shall be attached to the exercise of the privileges granted by the certificate at the time of issuance and from time to time thereafter, such reasonable conditions and limitations as a public convenience and necessity may require.

(c) No public utility which holds a franchise or charter enacted or granted by the legislative or executive authority of the state or its predecessor governments, or which has a bona fide operation as a public utility heretofore recognized by the commission, shall be required to obtain a certificate of public convenience and necessity under Section 269-

(d) Any certificate may, upon application of the holder thereof and in the discretion of the public utilities commission, be amended, suspended or revoked, in whole or in part. The commission after notice and hearing may suspend, amend or revoke any certificate in part or in whole, if the holder thereof is found to be in wilful violation of any of the provisions of this chapter or with any lawful order, rule or regulation of the commission promulgated thereunder, or with any term, condition, or limitation of the certificate.

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1978.)

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\*Edited accordingly.